

## REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Independent claims 26, 44, and 52 and dependent claims 31, 48, and 53 have been amended. Claims 26, 28-33 and 43-64 are pending in this application. Applicant's remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the remarks should be entered to place the case in better form for appeal.

### 35 U.S.C. § 103

Claims 26, 28-33, 43-47, 49-52, 54 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,789189 to Wheeler et al. (hereinafter "Wheeler") in view of U.S. Patent Publication No. 2003/0028481 to Flitcroft (hereinafter "Flitcroft"). Applicant respectfully disagrees. However, the applicant submits that Wheeler is not prior art with respect to the claimed subject matter.

Applicant's application has a filing date of 9/28/2000 which predates the filing date of Wheeler which is 2/1/2003. Wheeler claims priority to PCT application PCT/US01/41587 filed 8/6/2001 which is also predicated by the present application, and to Provisional Application No. 60/233,076 which was filed 8/4/2000. Applicant has reviewed the Provisional Application and does not believe that the application discloses, teaches, or suggests the subject matter for which the examiner cites Wheeler. For instance; examiner on page 4 of the Office Action cites from Wheeler from FIG. 60, IC card 6050, account database 6014; and FIG 62 step 6126; portions of columns 58-59 from the specification which

generally discuss purchasing transactions. However similar elements, figures and/or discussions do not appear in the Provisional Application to which priority is claimed. The Provisional Application appears to be directed at chip structures (AADS Chip infrastructure), authentication processes, shared secrets, security techniques encryption and the like which is not the subject matter relied upon from Wheeler or of the presently rejected claims. Thus, even assuming for the sake of argument that portions of Wheeler cited may be equivalent to elements of the Applicant's claims, Wheeler is not entitled to priority for these elements based on the Provisional Application and is accordingly not a basis for rejecting the applicant's claims. The Provisional Application No. 60/233,076 does not disclose the subject matter of claims 26, 28-33, 43-47, 49-52, 54 and 58. Accordingly, Wheeler, having a filing date of Feb 1, 2003, does not qualify as prior art. Applicant respectfully request withdrawal of 35 U.S.C. § 103 rejections of claims 26, 28-33, 43-47, 49-52, 54 and 58 based on Wheeler.

Applicant notes that prior art rejections have not been made with respect to claims 48, 53, 55-57, and 59-64. If the examiner believes that the subject matter of these claims is allowable over the prior art, the Applicant would appreciate a statement from the examiner to that effect.

### 35 U.S.C. § 112

Claims 26,28-33, and 43-64 are rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter. Applicant respectfully disagrees. However, in order to expedite allowance of the subject application independent claims 26, 44 and 52 have been amended to clarify the claimed subject matter. For example:

**Claim 26** as amended (portions of the amendments appear in bold italics)

recites a computerized method comprising:

- maintaining on a server a plurality of payment accounts in a user-accessible electronic wallet corresponding to a particular user, wherein each said payment account stores information that identifies an associated external account where funds available to the user are maintained;
- restricting where funds in the external account identified by at least one said payment account can be spent *using the electronic wallet*;
- receiving, from a merchant server, a request of the user to make a purchase at the merchant server using the electronic wallet;
- determining a set of the payment accounts in the electronic wallet that identify external accounts *which are not restricted from being spent at the merchant server*; and
- generating, based on the determining, a display that identifies the set of payment accounts.

**Claim 44** as amended (portions of the amendments appear in bold italics)

recites one or more computer readable media having stored thereon instructions that, when executed by one or more processors, causes the one or more processors to:

- maintain on a server payment accounts in a user-accessible electronic wallet corresponding to a particular user, wherein the payment accounts stores information that identifies external accounts where funds available to the user are maintained;
- restrict where funds in the external account identified by a respective said payment account can be spent *using the electronic wallet*;
- receive, from a merchant server, a request of the user to make a purchase at the merchant server using the electronic wallet;
- determine a set of the payment accounts in the electronic wallet that *identify external accounts which are not restricted from being spent at the merchant*; and
- generate, based on the determining, a web page displayable to the user which identifies the set of the payment accounts.

**Claim 52** as amended (portions of the amendments appear in bold italics) A system comprising:

- a server having:
  - a processor; and
  - a memory configured to maintain instructions executable on the processor to provide:
    - means for maintaining on the server a payment accounts in a user-accessible electronic wallet corresponding to a user, wherein the payment accounts stores information that identifies external accounts where funds available to the user are maintained;
    - means for restricting where funds in the external account identified by at least one said payment account can be spent **using the electronic wallet**;
    - means for receiving, from a merchant server, a request of the user to make a purchase at the merchant server using the electronic wallet;
    - means for determining a set of the payment accounts in the electronic wallet that **identify external accounts which are not restricted from being spent at the merchant server**; and
    - means for generating, based on the determining, a listing displayable to the user which identifies the set of the payment accounts.

Claims 26, 44, and 52 as written particularly point out and distinctly claim the subject matter of the invention in accordance with the requirements of §112.

Examiner also indicates that Claims 31, 48, and 43 are indefinite based on the recited limitation "...payment account can be combined with funds from another external account" have also been amended, indicating that the combination is not positively recited. Applicant disagrees but again has made clarifying amendments to expedite allowance of the subject application. For

instance, **Claim 31** has been amended (portions of the amendments appear in bold italics) to recite:

- restricting ***the combination of*** the funds in the external account identified by at least one said payment account with funds from another external account identified by another payment account prior to being spent.

**Claims 48 and 53** are similarly amended.

The above amendments have been made to the claims to clarify the claimed subject matter and to expedite allowance of the subject application and not on the basis of prior art. Applicant believes the claims as written satisfy the requirements of §112, paragraph 2. Accordingly, applicant believes that the §112 rejections have been obviated and withdrawal of the §112 rejections of claims 26, 28-33, and 43-64 is respectfully requested.

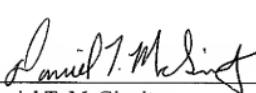
### **Conclusion**

Claims 26, 28-33, and 43-64 are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,

Dated: 6/07/06

By:

  
Daniel T. McGinnity  
Reg. No. 55444  
(509) 324-9256